

Item 2:

Enclosure #1 is a revised set of drawing. Specifically:

- 5 • Figure 8 replaces figure 7. Figure 8 captures the "means for eliminating redundant reporting of information about said donors to said organization." This is summarized in drawing item 8.11 in the list of organization reporting, and in clarification in section 8.4.
- Figure 9 is new and documents the "means for subscribers to terminate the donations".

Item 3,4 & 5:

- 10 Enclosure #2 is a complete revision of claims to conform with 37 CFR 1.75(c). All original claims canceled and replaced per instructions in Office Action dated April 20, 2006.

35 USC § 112 responses:**Item 7:**

- 15 Page 10, paragraph 3: Change "... for the date range." to "... for the date range aggregating all periodic donations made during for each donor and all donors. This aggregation eliminates reporting multiple and redundant donations by the same donor when reporting to the organization."
- 20 Page 10, paragraph 3: Change "... subscriber information to that file." to "... aggregated donor information to that file for reports to each organization."

- 25 Page 8, paragraph 1: Append with "A donor can select a donation value of zero, which will effectively terminate their future donations, or they may select a specific screen option to terminate donations."

Item 9:

Corrected in revised claim (parenthetical example removed, and specific claim elements enumerated).

Item 10:

- 30 Corrected in revised claim. It should be noted that the invention is intended to provide donors with an automatically recurring payment system, which is a form of subscription. I have attempted to consolidate the language in the enclosed revisions, but within the invention "subscriber" and "donor" are for practical purposes interchangeable terms.

35 USC § 101 responses:**Item 12:**

Corrected in revised claims for Examiner suggestion.

Overview of 35 USC § 102 responses:

Re: Burke: It should be noted that Burke and Applicant (Smith) envision very different methods and means for accomplishing two very different objectives. It is difficult to compare the whole or the part of Burke to Smith's invention given this. Specifically:

Periodical nature: Smith's invention enables regularly scheduled donations. Burke envisions ad hoc donations based on opportunity and spontaneity. The unique results by Smith include, as stated in the original application, include the predictability of payments by donors, and income by donees – benefits Burke does not claim or deliver.

Donation amounts: Smith's invention delivers specific, fixed amounts for donations on a periodic basis, which establishes the unique benefit to both donor and donee. Amounts delivered via Burke are dictated primarily by the amount of purchases, and thus are completely discretionary and avoid addressing benefits established by Smith.

These key elements in Smith address long-felt and unsolved needs of both donors and donees. In this context, the specific steps in Burke and Smith are dissimilar.

Item 14 - claims 1,2 & 4:

Registering donors: Burke is non-specific about how donors are registered, though Burke anticipates using keypads attached to cash registers as a dominant means. Smith envisions common Internet and other client/server technologies. The key point is that the process of collecting personal information from donors, and recording that information in a database has been exhibited in various prior art for many decades. Burke and Smith have detailed two mechanically different means of capturing donor information as part of a broader, and significantly different process.

Allowing donors to select organizations to donate to: An essential step for donors who want to receive receipts for tax purposes is a form of registration. This requirement pre-existed either Burke or Smith, and is a foundation of most recurring charitable activities. Neither Burke or Smith claim this step to be unobvious, but as housekeeping function that supports automating their respective and otherwise dissimilar inventions.

... and amount to donate to each: Burke specifically envisions allocation of spontaneous donations by percentages. Smith specifies fixed currency amounts to donate at regular periods.

... on a periodic basis: Burke does not envision periodic donations at all. Burke's invention depends entirely on the purchasing habits of potential donors, and their spontaneous inclination to donate. Smith specifies regularly scheduled donations.

Collecting money from donors on a periodic basis on their said specific donations: Burke envisions a system of collecting excess payments for a purchase (change), which is inherently non-predictable as the amount of a purchase, the amount of change, and the

frequency of donation are all random. Smith specifies predictable, periodic intervals for donating and fixed donation amounts.

85 **Calculating the sum of all donations for each organization:** Burke envisions a system of reporting to the donor their cumulative donations over a variable amount of time. Smith specifies the reporting (a) to organizations of (b) donations made by (c) individuals over (d) a specific period of time. Additionally, Burke (column 3 lines 22-27) does not specify that reporting to the organizations is ever performed -- only that money is transferred.

90 ***Item 14 - claim 3:***

Counting the number of rejected billings: Burke (column 5 lines 40-43) envisions rejecting unauthorized donations through a Personal Identification Number (PIN), with the goal of ensuring that donations are not inappropriately made or that non-authorized individuals cannot change donation information. Smith specifies responding to rejected
95 charges against a donor's payment mechanism (such as a credit or debit card) given common expiry of such, and notification to the donor for the purpose of assuring they update their personal information and continue donating. The revised claim herein amplifies the distinction and established positive limitation.

100 **Claim 4, Burke teaches a donor terminating donations (figure 4, #124, #127, #130):** The cited figures shows how a donor may decide to proceed to make a spontaneous donation to all registered organizations, and encompasses interaction with Burke's "device". Smith specifies how a donor prevents future periodic donations to specific individual organizations.

105 **Overview of 35 USC § 103 responses:**

Discussion concerning Mull: Examiner cites Mull (6,898,575) as prior art. Though details of the difference and unique essence of Smith's invention follows, it is noted:

- 110
- Smith's patent was filed on 04/09/2001 and Mull's application was on 05/10/2001. Smith filed more than a month before Mull.
 - Smith demonstrates that his invention was conceived 01/21/2000 as evidenced by the enclosed copy of Smith's "lab book", which was witnessed by two non-related individuals on 03/24/2001 (enclosure #3)
 - 115 • Smith's invention was reduced to practice and made public by 02/11/2001, which was before either filing.

As such, any conflict with Mull is overcome by demonstrated prior filing and prior art by Smith. So established, Mull is invalidated against Smith claims.

120 ***Item 17:***

Mull: See " Discussion concerning Mull" above.

Burke and Mull on claim #2: There are several points within the rejection that should be reconsidered.

- 125 a) Mull does not teach a communication of requests from donor to donee (Mull teaches how to donate for pre-defined and advertised needs of the donee). Thus, Mull offers nothing related to Smith's claim.
- 130 b) Mull teaching nothing about reducing redundant reporting. If a donor makes multiple donations, Mull's system creates multiple reports to the donee – one for each transaction. Smith teaches the aggregation of donation records, as well as the aggregation of action requests, and reduces redundant reporting in two areas of concern.
- 135 c) The references take mutually exclusive paths and reach different solutions to entirely different problems. Since they teach away from each other, it would not be logical or obvious to combine them.
- d) Even if combined, the references would not meet the claims in Smith which establish recurrence of donations as a unique feature and benefit.
- 140 e) Again, Smith's earlier filing and reduction to practice of the invention invalidates any prior art claims by Mull and renders objections moot.

Conclusion

For all of the above reasons, applicant submits that the specification and claims are now in the proper form. Applicant also submits that examiner cited patents are either non-

145 applicable as prior art, and that one patent follows applicant's claim in filing and in being reduced to practice. Therefore the applicant submits that this application now in condition for allowance, which action he respectfully solicits.

Conditional Request For Constructive Assistance

Applicant has amended the specification and claims of this application so that they are


150 proper, definite, and define novel structure which was also unobvious at the time of original application. If, for any reason this application is not believed to be in full condition for allowance, applicants respectfully request the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P § 2173.02 and § 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and

155 without the need for further proceedings.

Conditional Request For Expediting

The applicant originally filed more than five years before the date of this response. Applicant respectfully requests that review of this response, any constructive assistance, and award of patent be expedited so that the applicant can have the fullest benefit of the

160 patent when awarded.



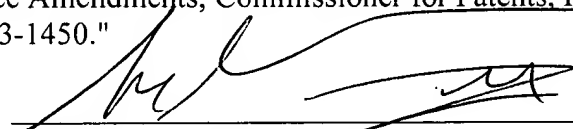
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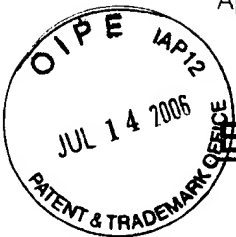
Certificate of mailing

I certify on the date below and referenced attachments/enclosures, if any, will be deposited with the U.S. Postal Service as first class mail in an envelope addressed to "BOX Non-Fee Amendments, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450."

05/22/2006



Guy Smith, Applicant



Enclosure - #1 - revised drawings

Enclosure #3 – Lab Book

“Lab Book” for FundTheCause

Offensive Documentation for Patent Claims

01/20/00: Inspiration for the business method came while sorting through a stack of fundraising letters from numerous organizations. I make a habit of donating part of my bonus check to causes I like. Since bonus checks commonly appear around Christmas, so do fund raising letters. I kept the ones that arrived if I should get a bonus check.

The inspiration came when I realized I would not receive a bonus check that year, and was preparing to throw-out the fundraising letters. I had a steady income and thought it would be good for me, and for all these organizations, if I could pay them a little each month. This was a non-obvious conclusion as the entire mechanism of fundraising has focused on fundraising campaigns.

I asked myself, how would I like to conduct monthly donations. I weeded-out the negative impacts of monthly donations (writing many checks, postage, keeping track of favored organizations, the likelihood of received more fundraising letters). To each impact I thought of alternatives to reduce or eliminate the impact. By days-end, I had mentally sketched-out the approach for the business method.

Much time passed before I took specific action on the project due to my commitment to other business propositions including MailSafe.

1/21/00: Several things make this business method unique. ***Ramifications and novel features***

1. The subscriber can budget their donations as if they were one monthly bill.
2. The subscriber has a one-payment system for contributing to multiple organizations with a single payment. *This is a new and unexpected result.*
3. The user has the ability to change the organizations they donate to, and the amount they donate on a whim, unlike one-on-one subscription plans. *This is a new and unexpected result.*
4. The user can make tiny contributions (less than \$5) without bother or embarrassment as it is combined first with their other small donations, and with the knowledge that it will be combined with small donations from other subscribers. *This is a new and unexpected result*
5. The donation allows complete anonymity if desired.
6. The subscriber has options for automatically requesting tax receipts with every donation.
7. The subscriber has options for automatically requesting that they be removed from fundraising mailing lists. *This is a new and unexpected result.*
8. The organizations spend no money in raising these funds. *This is a new and unexpected result. It is also a synergistic effect not previously encountered in fundraising disciplines.*
9. The organizations can save money by deleting names of subscribers from their fundraising mailing lists, and save printing and postage. *This is a new and*

unexpected result. It is also a synergistic effect not previously encountered in fundraising disciplines.

The invention is “non-obvious” under the following:

- Workers in the field of fundraising have little or know experience in online data processing systems. The entire field is dominated by ask/receive batch processing, typified through either fundraising letters or through individualized requests to wealthy philanthropists.
- Investigations of online charitable clearinghouses (e.g., iChairty.com, donation-administrator.com, GiveSpot.com) have no subscription basis or mechanism at all. Not even a subscription for a single recipient organization, much less a means for donating to multiple organizations.
- The “remove from fundraising list” function is non-obvious because the existing dominate means for fund raising – mass mailing – benefits from maintaining such lists. This feature in the proposed system changes this. It now becomes beneficial to the organization to remove our customers from their fundraising lists as it saves them money. This entire concept in non-obvious to the industry.

2/10/00: Web search over past few days indicates nobody is doing subscription donations as a business model (some individual organizations have a web based subscription process, but it is only for their organization). There are a number of sites that allow one-time donations to one organization at a time. None provide for a monthly subscription, and none provide the ability to donate to many organizations with one payment.

6/3/00: Began reading manuals for PERL, mySQL and a few discarded technologies (msql, ASP, etc.).

8/10/00: Conducted a survey of pro 2nd Amendment activists (Gun Facts distribution list) using the Silicon Strategies web site to determine demand for the product created using the described business method. Results showed upwards of 50% of activists would use such a system. This drops to 38% if some of the money donated was turned into profit for the company. The latter indicates we should use an additive surcharge as opposed to deducting from the donations. And this also makes the whole calculation process simpler.

Comments from survey participants indicate that that the business method has identified an unrecognized problem. Average citizens have limited funds and want to contribute more than they do now. The ability to budget their contributions as monthly payments addresses both issues simultaneously. It is the union of these two problems that combined are the previously unrecognized problem that is being solved.

9/21/00: Ordered Linux CD from EggHead to begin setting-up the development system.

10/13/00: Wrote “flow” outline to document the external representation and the internal functions of all software. This is the core of the technology of the invention – the processes that implement the business method.

10/30/00: Discussed business method with relatives while on vacation at High Hampton Inn in South Carolina. Exposed to father, stepmother, cousin Lauren Somprak, and others.


11/13/00: Started emailing web hosting services to check on their support for software support tools for FTC.

11/18/00: Began surveying volunteers that emails agreements for non-disclosure on look-feel elements, and web site design.

11/21/00: Registered domain name with Register.com.

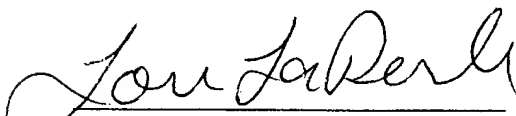
2/8/01: Contacted for web hosting services with 20after4 and began moving code to the publicly accessible web site.

2/11/01: Began beta test by sending invitations to the volunteer group.

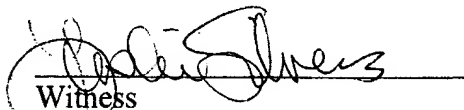

Inventor

2-11-1
Date

The above confidential information is witnessed and understood by:


Witness

3/24/01
Date


Witness

03/24/01
Date